

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION

In the matter of:

PREMIER INDUSTRIES  
1019 PACIFIC AVE., STE. 1501  
TACOMA, WA 98402-4483  
ATTENTION: DOUG SOBEK

Complaint No. 01-82  
for  
Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Sections 13385 and 13399.33(c) of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on December 7, 2001 at the City Council Chambers, City of Loma Linda, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. At the December 7, 2001 hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Premier Industries' Western Insulfoam facility located at 5635 Schaeffer Avenue, Chino, California is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 836S005059. The General Permit requires submittal of an annual report by July 1 of each year.
5. Prior to the July 1 deadline, a blank form of the annual report was mailed to you. Because the annual report was not submitted, a Notice of Noncompliance was issued to you on July 27, 2001. The return receipt showed it was received on August 2, 2001. A second Notice of Noncompliance was issued on August 29, 2001 and was received on September 4, 2001. The Notices of Noncompliance requested submittal of the completed annual report to the Board office by September 27, 2001, a statement explaining why the annual report was not

submitted by the July 1 deadline, and the measures that you will take to ensure that future annual reports are submitted on time. The August 29, 2001 Notice of Noncompliance also informed you of the mandatory penalty for failure to submit the annual report. On September 20, 2001, Board staff spoke to Mr. Bill Seldenright, who said he would submit the report by the deadline. On September 27, 2001, Mr. Seldenright left a telephone message; Board staff called back the same day, reiterating the importance of submitting the annual report by the date specified in the Notice of Noncompliance. No response to the Notices of Noncompliance and the telephone message was received until October 8, 2001, after Board staff left another telephone message. On October 9, 2001, Board staff spoke with Ms. Suzy Kuntz of your staff who requested an onsite meeting and assistance with the General Permit requirements. On October 11, 2001, Board staff met with Mr. Seldenright and Ms. Kuntz to assist in the preparation of the annual report. The annual report was received in this office on October 17, 2001. The facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 1, 2001.

6. Section 13385 (a) (2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385 (c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
7. Based on non-submittal of the 2000/01 annual report, the facility is alleged to have violated the General Permit for 108 days (from July 2, 2001 to October 17, 2001). The total maximum liability for this violation is \$1,080,000.
8. Section 13399.33(c) of the California Water Code requires that the Regional Board impose a minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code.
9. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes civil liability be imposed on your facility in the amount of \$5,000 (of this amount, \$1,000 represents the minimum mandatory penalty per Water Code Section 13399.33(c)) for the violation cited above.

Board staff have examined the cost savings from the late submittal of the annual report and determined that it is less than \$100. This factor was also considered in establishing the amount of civil liability.

#### WAIVER OF HEARING

You may waive your right to a hearing. If you wish to waive the hearing, please sign the attached waiver and return it, together with a check or money order payable to the State

Water Resources Control Board for the amount of civil liability proposed in Paragraph 9. above, to:

Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

If you have any questions, please contact Milasol Gaslan at (909) 782-4419, or contact the Regional Board's staff counsel, Jorge Leon, at (916) 341-5180.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gerard J. Thibeault  
Executive Officer

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#### WAIVER OF HEARING

I agree to waive Premier Industries' right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-82. I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of the civil liability proposed in Paragraph 9 of Complaint No. 01-82. I understand that I am giving up Premier Industries' right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for PREMIER INDUSTRIES